

Supp.

Notice of Allowability

Application No.

09/034,372

Applicant(s)

Say et al

Examiner

Navin Natnithithadha

Group Art Unit

3736



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to April 14, 2000

☒ The allowed claim(s) is/are claims 22-32, 35-58, 56, 92-102, 122, and 127

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 10.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1, 15, and 1

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

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EXAMINER'S REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

None of the prior art of record, alone or in combination, teaches an analyte responsive electrochemical sensor (claim 35) comprising a working electrode and a mass transport limiting membrane, which mass transport limiting membrane maintains a rate of permeation of the analyte through the mass transport limiting membrane with a variation of no more than 3% per °C at temperature ranging from 30°C to 40°C.

None of the prior art of record, alone or in combination, teaches an electrochemical sensor (claim 92), comprising: a substrate; and a working electrode disposed on the substrate, the working electrode comprising a carbon material and having a width along at least a portion of the working electrode of 150 μm or less.

None of the prior art of record, alone or in combination, teaches a electrochemical sensor (claim 122), comprising: a substrate; a conductive material disposed on the substrate to form a working electrode; catalyst dispersed in the conductive material, the catalyst catalyzing a reaction of the analyte to generate a signal at the working electrode; and a binder dispersed in the conductive material, wherein the binder is cured so that the catalyst and conductive material are non-leachably disposed on the substrate.

None of the prior art of record, alone or in combination, teaches an implantable electrochemical sensor (claim 127), comprising: a substrate having a longitudinal axis with a narrow distal region that is configured and arranged for implantation into an animal and a wider

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proximal region that extends in a single lateral direction from the longitudinal axis; at least one working electrode disposed on the narrow distal region of the substrate; and at least one contact pad disposed on the wider proximal region of the substrate and in electrical communication with a one of the at least one working electrodes.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emr. Navin Natnithithadha, whose telephone number is (703) 305-2445.

The examiner can normally be reached on M-TH from 8:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Cary E. O'Connor, can be reached at (703) 308-2701. Additionally, the fax phone for Art Unit 3736 is (703) 308-0758. When filing a fax in Group 3700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are not for entry into the file of the application. This will

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expedite processing of your papers. All faxes not clearly marked will be considered "Official" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0858.

Navin Natnithithadha
Patent Examiner
Art Unit 3736
July 10, 2000


CARY O'CONNOR
SUPERVISORY PATENT EXAMINER
GROUP 3700